

REMARKS

By this Amendment, the specification has been amended to delete reference to a claim. Claims 1-19 are pending. Reconsideration of the May 19, 2004 Official Action is respectfully requested in view of the following remarks.

Rejection Under 35 U.S.C. § 102

Claims 1-19 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,423,492 to Willis ("Willis"). The reasons for the rejection are stated on pages 2-6 of the Official Action. The rejection is respectfully traversed.

Claim 1 recites a return device for containers, such as bottles, cups, cans, or the like, which comprises "an insertion opening for receiving the container and at least one distributing means for transporting the container from said insertion opening to a selectable processing means of said return device, said distributing means comprising at least one intermediate bottom and a receiving means both rotatably supported about a shaft, wherein said receiving means is rotated to transport the container away from said insertion opening and said intermediate bottom is rotated to position a sorting opening of the intermediate bottom relative to a bottom opening of said receiving means for passing said container through the sorting opening and the bottom opening to a selected processing means" (emphasis added). Applicant respectfully submits that Willis fails to anticipate the claimed return device.

Willis discloses an apparatus for recycling glass containers. See, for example, Figure 1. The apparatus includes a carousel means 140 having a carousel

144 (see Figures 2, 4 and 6). Containers are rotated by operation of the shaft 184 and associated motor 180.

As shown in Figure 5, the carousel 144 includes radially extending walls 152-56 and glass container receiving recesses 157-161 between adjacent pairs of the walls (column 7, lines 33-38). A fixed platform 200 is located under the carousel 144 (Figures 5 and 6). The fixed platform 200 includes a central area 210, lobes 211-213, circular hole 215 and recesses 220-222. As shown in Figures 6-8, the recesses 220-222 and the circular hole 215 are closed by trap door means 250-252 associated with the platform 200 (column 8, lines 9-17). Trap door means 250 includes a drive means 260 and a trap door 261 below the fixed platform 200 (Figure 4). First member 290 is fixed to a shaft 262 connected to a motor 270, and second member 291 is fixed to the first member 290.

A platform 292 is rotatably mounted on a shaft 293 driven by motor 294. By this rotation, a glass container supported on the platform 292 can be exposed to a laser scanner 130 (column 10, lines 46-50; Figure 2). In order to move the platform 292 in and out of recess 220, motor 270 is actuated to cause trap door 261 to move out from under the glass container, thereby allowing the glass container to fall by gravity through the recess 220 and down from the carousel 144.

Willis' apparatus also includes a container retaining rail 230 (see Figures 4 and 5) for preventing the container from being moved with the platform 292 when the platform 292 is moved out of the recess 220.

The Office Action asserts that Willis' apparatus comprises an "insertion opening" 40 (i.e., access opening 40) and a "distributing means" 144 (i.e., carousel 144). However, to the extent that the carousel 144 can allegedly be considered a

"distributing means" as recited in claim 1, Applicant submits that the carousel 144 does not include an "intermediate bottom" or "receiving means" as recited in claim 1. That is, the carousel 144 itself does not include the alleged "intermediate bottom" 292 (i.e., rotatable platform 292) or the alleged "receiving means" 291, 294a (i.e., second member 291 and gearbox 294a, respectively). In contrast, the rotatable platform 292, second member 291 and gearbox 294a are separate and independent elements of the apparatus from the carousel 144.

Moreover, Applicant submits that the "receiving means" 291, 294a are not rotated to transport the container. In fact, the rail 230 prevents the container from being moved, and any transporting of the container from the access opening 40 is done by the carousel 144, which the Office Action asserts is a "distributing means."

Applicant further submits that the second member 291 and gearbox 294a do not include a "bottom opening" 215 (i.e., circular hole 215). Rather, the fixed platform 200, which is different from the second member 291 and gearbox 294a, includes the circular hole 215 (see Figure 5). However, the fixed platform 200. Furthermore, rotatable platform 292 (the alleged "intermediate bottom") is not "rotated to position a sorting opening of the [platform 292] relative to a bottom opening of [a] receiving means." In Willis' apparatus, there is no sorting opening in the rotatable platform 292, and there is no bottom opening in the second member 291 or gearbox 294a (the alleged "receiving means"). See Figure 6, for example.

Thus, Willis does not disclose each and every feature recited in claim 1. Therefore, claim 1 is not anticipated by Willis. Claims 2-19 depend from claim 1 and thus also are patentable over Willis for at least the same reasons as those for claim 1. Withdrawal of the rejection is respectfully requested.

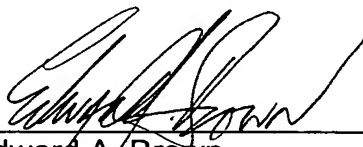
Conclusion

For the foregoing reasons, allowance of the application is respectfully requested. If there are any questions concerning this response, the Examiner is respectfully requested to call Applicant's undersigned representative at the number given below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 18, 2004

By: 
Edward A. Brown
Registration No. 35,033

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620